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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,568

06/25/2003

Bonnie Lopez

LOPC120896

4674

26389

7590

07/26/2004

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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,568

Applicant(s)

LOPEZ, BONNIE

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to because in Figure 2, there are 2 occurrences of item "124". The left occurrence should be replaced with "126". Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 4, 13, 17, and 26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. In regards to claims 4, 17, and 26, the phrase "sanding pad is adapted to be sandwiched between the frame and the length of unused sandpaper" is unclear. When something is sandwiched, it means there is something on top of the item and beneath the item. In the Figures the sandpaper is beneath the sanding pad but the frame is along side of the sanding pad. However, the sander and the sandpaper together sandwich the sanding pad.

5. In regards to claim 13, the phrase "the sanding pad is separate from the sander" is unclear. It is uncertain how the sanding pad is separate from the sander.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 6, 8-12, 14-17, 19, 20-26, 28, and 30-33 rejected under 35 U.S.C. 102(b) as being anticipated by Anderson. (Note: the reference numbers in the Figures of the Anderson patent appear to be different from the reference numbers in the specification. The reference numbers from the Figures are used below.)

Anderson discloses the same invention including a sandpaper dispenser (Title) including a frame adapted to couple to a sander (1 and 2), a sanding pad coupled to the frame (Fig. 2), a sandpaper dispensing assembly coupled to the frame and adapted to store a length of unused sandpaper (8), that the sandpaper dispensing assembly is adapted to selectively dispense the length of sandpaper to extend over the sanding pad (Fig. 2), a tray portion adapted to receive a moving portion of the sander (1 and 2), that the sand dispensing assembly includes a support member adapted to rotatingly dispense sandpaper (8), that the sanding pad is coupled to the frame such that the sanding pad is adapted to be sandwiched between the frame and the sandpaper (Fig. 1), a sandpaper restraining device coupled to the frame at a location spaced from the sandpaper dispensing assembly (3), the sandpaper restraining device adapted to hold an end of the sandpaper once extended over the sand pad (Fig. 2), that the sandpaper restraining device is movable between a first position in which the restraining device is adapted to hold the sandpaper stationary relative to the frame (Fig. 2) and a second position in which the restraining device is adapted to permit sandpaper to move in at least one direction relative to the frame (3), that the frame is adapted to couple to a moving portion of the sander (Fig. 2), a tensioning system for holding the length of sandpaper in a tensioned condition (6 and 7), that the tensioning system is positionable between a first position in which the sandpaper dispensing assembly is impeded from dispensing (Fig. 2) and a second position in which the sandpaper dispensing assembly is free to dispense (Fig. 1), and that the sanding pad is attached directly to the sander (21).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5, 7, 18, 20, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Marinsky. Anderson discloses the invention but fails to disclose that the restraining device includes a cutting surface. Marinsky teaches a restraining device (23) that includes a cutting surface (26). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Anderson with a cutting surface on the restraining means, as taught by Marinsky, to allow for the user to remove unwanted/unusable sandpaper.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Champayne, Russell, and Nitta.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

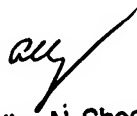
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP
July 21, 2004



Allan N. Shoap
Supervisory Patent Examiner
Group 3700